

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

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Phil Lombardi, Clerk
U.S. DISTRICT COURT

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COMPLAINT

Case No. 15 CV - 023 JHP - PJC

**Employment/Labor Law
Violations; Damages; Injunction**

CLASS ACTION

JURY TRIAL REQUESTED

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SMITH, ROBERT TUCKER, WARREN HARVEY,
EDWARD PERKINS, RANDY GURULE, and
DONN DAVIS,**

PLAINTIFFS.

vs.

**BROTHERHOOD OF ELECTRICAL
WORKERS INTERNATIONAL; EDWIN
HILL as an INDIVIDUAL AND AS
PRESIDENT OF THE BROTHERHOOD
OF ELECTRICAL WORKERS
INTERNATIONAL (the IBEW),**

DEFENDANTS.

INTRODUCTORY STATEMENT

Plaintiffs are members of the International Brotherhood of Electrical Workers, the Defendant in this case. Defendant has its office in Washington D.C., but all events relevant to this Complaint occurred within the state of Oklahoma. Many of the plaintiffs are members of the IBEW's Local 584, located in Tulsa. There is also sizable number of other electricians who are IBEW members who have traveled from their home Local to the Tulsa area to find work. The primary attraction involves the construction of a large commercial facility for Google. To this end, the IBEW's Local 584 controls the dispatching of eligible electricians to unionized contractors who have requested as such from Local 584. The International Office, the "IO," charters Local 584.

Plaintiffs allege the IBEW directed Local 584 to engage in collusion with unionized employers, namely the construction firms, along with their subcontractors, of Smith-Allison, Oesco and Whiting-Turner. When Local 584's administration refused to do so, the International office of the IBEW, in the person of Edward Hill, traveled to Tulsa and summarily discharged all of Local 584's administrative staff. Hill and the IBEW's conduct of engaging in practices that the IBEW knew violated federal labor laws. Such practices include:

1. The IO decision to remove all employees of Local 584 in the process of terminating electricians such as the plaintiffs without notice, cause, or reason;
2. The IO's authorization of Smith-Allison and Oesco to create and implement a Black List based on self-serving premises that destroyed Plaintiffs' marketability, de-stabilized their finances and substantially harmed their careers; and
3. Created and publicized, nation-wide, the Black List which harmed Plaintiffs' ability and/or

opportunity for any employment in any market in the United States and elsewhere in the world.

The IBEW's conduct violates federal and state labor laws, including Section 101(a)(1) of the Labor-Management Relations Act, the Labor Management Relations Act, 29 § 141 *et seq.*, as well as purposely avoided its duty of fair representation for Plaintiffs. Defendants' conduct thereby entitles the named plaintiffs, and all other IBEW members similarly situated, to declaratory and injunctive relief.

I.

JURISDICTION and VENUE

- 1.1 This Court has jurisdiction in this action pursuant to 28 U.S.C. § 1343 (3) and (4), 28 U.S. § 1341 and 28 U.S.C. § 1331, 42 U.S.C. § 1981 *et seq.*, 29 U.S.C. § 626 (b)
- 1.2 This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367.
- 1.3 As all events material to Plaintiff's Complaint occurred within the District of Oklahoma, in substantial part, venue with this Court is proper pursuant to 28 U.S.C. § 1391 (b).

II.

PARTIES

- 2.1 The majority of plaintiffs are residents of Tulsa. There is an estimate of at least 1,000 "traveling" electricians who live/lived in the Tulsa region during all times relevant, and who were injured by Defendant's conduct while they resided in the Tulsa area.
- 2.2 The IBEW's presence in Tulsa is manifest by the presence of the IBEW's Local 584.

II. CLASS ACTION

3.1 Plaintiff S seek certification as a class action pursuant to FRCP 23 (b)(1)(A) on behalf of all similarly situated electricians whose names were, or are now still present on multiple “Black Lists” managed by unionized contractors (Whiting-Turner, Smith-Allison, and Oresco) as endorsed and performed by the IBEW and Edwin Hill.

a. There are questions of law and fact common to the class which predominate over any questions affecting only individual members, namely whether the IBEW violated the LARA, the LMRDA, did not fairly represent plaintiffs, or observe Oklahoma labor and employment laws.

b. The exact size of the proposed class is unknown at the present time, but upon information and belief the number of persons in the class exceeds fifteen hundred (1500) members, making\the class so numerous that joinder of all class members is impractical.

c. Plaintiffs’ claims are typical of the class as they will be subject to harm by the Defendant’s conduct and policies; and


d. Plaintiffs’ will be fairly and adequately protect the interests of the class.

e. Plaintiff’s claims stand on the evaluation that Defendants have violated

George P. Fisher is experienced in Labor Law proceedings, and

3.2 Plaintiff’s class action seeks injunctive relief.

DATED this 13th day of January, 2015.


George P. Fisher, Attorney at Law